

**BARNES & THORNBURG LLP**



11 South Meridian Street  
Indianapolis, Indiana 46204  
(317) 236-1313  
(317) 231-7433 Fax

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Customer No. 23643

Group: 3764

Confirmation No.: 9671

Application No.: 09/412,459

Invention: AIRWAY TREATMENT  
APPARATUS WITH BIAS LINE  
CANCELLATION

Inventor: Nicholas P. Van Brunt

Filed: October 4, 1999

Attorney

Docket: 7175-74159

Examiner: Mathew, Fenn C.

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on Dec. 28, 2004

Ronita K. Bury  
(Signature)

Ronita Bury  
(Printed Name)

**PETITION TO WITHDRAW FROM ISSUE UNDER 37 C.F.R. § 1.313(a)**

**Mail Stop Issue Fee**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The NOTICE OF ALLOWANCE AND FEE(S) DUE and the NOTICE OF ALLOWABILITY for the above-captioned patent application were mailed by the U.S. Patent & Trademark Office on October 6, 2004. A Supplementary Partial European Search Report, dated November 4, 2004, in a foreign counterpart of the above-captioned application was sent to Applicant's foreign patent counsel by the European Patent Office after the allowance of the above-captioned application. Two references listed in the Supplementary Partial European Search Report have not been considered by the Examiner in the above-captioned application. Accordingly, it is respectfully requested that the above-captioned patent application be withdrawn from issue for consideration of the two references listed in the Information

Disclosure Statement submitted concurrently herewith. The Issue Fee has not yet been paid in this application.

A check in the amount of \$130 is enclosed herewith for payment of the petition fee set forth in 37 C.F.R. § 1.17(h). Please charge any additional fees or credit any overpayments to Deposit Account No. 10-0435 with reference to our matter 7175-74159.

Respectfully submitted,  
BARNES & THORNBURG LLP

A handwritten signature in cursive script, reading "Ronald S. Henderson". The signature is written in dark ink and is positioned above a horizontal line.

Ronald S. Henderson  
Reg. No. 43669  
(317) 231-7341